



State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

Pt. 04
of 05

RESEARCH APPENDIX -
PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 09/20/2005 (Per: MGD)



☞ The 2005 drafting file for LRB 05-0569/3

has been copied/added to the 2005 drafting file for

LRB 05-3685

☞ The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.

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2005 ASSEMBLY BILL 561

July 18, 2005 - Introduced by Representatives SHERMAN, HUBLER, MURSAU, LEHMAN, TURNER, HINES, ZEPNICK and SEIDEL, cosponsored by Senators JAUCH, BRESKE and HANSEN. Referred to Committee on Criminal Justice and Homeland Security.

1 **AN ACT** *to renumber and amend* 23.33 (3) (e), 29.091, 29.621 (4), 440.26 (3m)
2 and 941.23; *to amend* 165.82 (1) (intro.), 165.82 (2) and 885.235 (1g) (intro.);
3 and *to create* 20.455 (2) (gu), 23.33 (3) (e) 1., 23.33 (3) (e) 2., 23.33 (3) (e) 3.,
4 23.33 (3) (em), 29.091 (2), 29.621 (4) (a), 29.621 (4) (b), 29.621 (4) (c), 29.621 (6),
5 167.31 (4) (ar), 175.50, 440.26 (3m) (a), 440.26 (3m) (b), 941.23 (1), 941.23 (2)
6 (a), 941.23 (2) (b), 941.23 (2) (c), 941.23 (3), 941.23 (4), 941.237 (3) (cr), 941.237
7 (3) (L), 941.29 (11) and 948.605 (2) (c) of the statutes; **relating to:** carrying of
8 concealed weapons by out-of-state and retired law enforcement officers,
9 granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

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This bill makes certain changes in Wisconsin law to account for a federal law that requires the state to permit an individual who works as or who has retired from working as a federal, state, tribal, or local law enforcement officer in Wisconsin or in any other state to carry a concealed firearm under certain circumstances.

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~~Current state and federal law regarding concealed weapons~~

Wisconsin law specifies that, in general, no person may go armed with a concealed firearm or any other concealed, dangerous weapon. This prohibition,

creates a licensing system under which ^{an} individual ^{is} permitted to carry a concealed weapon under certain circumstances. The bill also

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no 8

This prohibition

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(however, does not apply to peace officers, such as local, state, tribal, or federal law enforcement officers. In addition, under *State v. Hamdan*, 2003 WI 113, 264 Wis. 2d 433, it is unconstitutional to apply this prohibition to a person carrying a concealed weapon at his or her own business when: 1) the person's interest in carrying a concealed weapon substantially outweighs the state's interest in enforcing the concealed weapons law; 2) the person has no other reasonable means to keep and handle the weapon; and 3) the person is not motivated by an unlawful purpose in concealing it. The *Hamdan* court also indicated that the constitutional right to keep and bear arms for security must permit a person to carry a concealed weapon under certain circumstances in his or her own home.

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Sub:sub

Federal law

In addition, federal law prohibits the state from barring certain active duty or retired law enforcement officers from carrying concealed firearms. Under federal law, qualified law enforcement officers and qualified retired law enforcement officers who meet certain specified requirements may carry concealed firearms that have been shipped or transported in interstate or foreign commerce, regardless of any prohibition imposed under state law.

Federal law specifies the criteria that a person must meet to be a qualified law enforcement officer or a qualified retired law enforcement officer. To be the former, a person must: 1) be employed by a government agency; 2) be a law enforcement officer (defined under federal law as a person authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and having statutory powers of arrest); 3) be authorized by the agency to carry a firearm; 4) not be the subject of any disciplinary action by the agency; 5) not be under the influence of alcohol or other drugs; 6) not be prohibited under federal law from possessing a firearm; and 7) meet all standards, if any, established by the agency to qualify the person on a regular basis to use a firearm. For a person to be a qualified retired law enforcement officer, all of the following must apply: 1) the person retired in good standing from service with a government agency as a law enforcement officer, other than for reasons of mental instability; 2) before retirement, the person was regularly employed as a law enforcement officer for an aggregate of 15 years or more or retired after completing any applicable probationary period of service due to a service-connected disability; 3) the person has a nonforfeitable right to benefits under the agency's retirement plan; 4) the person is not under the influence of alcohol or other drugs; 5) the person is not prohibited under federal law from possessing a firearm; and 6) during the most recent 12-month period, the person has met the state's standards for training and qualification for active duty law enforcement officers to carry firearms. (Wisconsin law does not currently set or impose any standards for ongoing training and qualification for active duty law enforcement officers to remain eligible to carry firearms.)

State

Under federal law, if a person is a qualified law enforcement officer, the prohibition contained in Wisconsin law regarding going armed with a concealed and dangerous weapon does not apply to his or her going armed with a concealed firearm if the person carries a photo ID issued by the agency for which he or she works. If the person is a qualified retired law enforcement officer, the prohibition does not

his or her home

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an off-duty or
retired
law enforcement officer,
who carries
from possessing

apply to his or her going armed with a concealed firearm if the person carries either:
1) a photo ID issued by the agency from which the person retired as a law enforcement officer that indicates that, within the preceding 12 months, the agency has tested the person or otherwise found that he or she meets its standards for training and qualification for active duty law enforcement officers to carry the type of firearm that the qualified retired law enforcement officer is carrying concealed; or
2) both of the following: a) a photo ID issued by the agency from which the person retired as a law enforcement officer; and b) a certification issued by the state in which the person resides that indicates that, within the preceding 12 months, the state has tested the person or otherwise found that he or she meets its standards for training and qualification for active duty law enforcement officers to carry the type of firearm that the qualified retired law enforcement officer is carrying concealed. Federal law, however, specifies that the exemption for qualified law enforcement officers and qualified retired law enforcement officers does not apply if the firearm involved is a machine gun, ~~has~~ a silencer attached to it, or is a destructive device (such as a bomb). Federal law also specifies that a state may: 1) permit private persons or entities to bar the possession of concealed firearms on their own property; and 2) prohibit or restrict the possession of firearms on any state or local government property, installation, base, building, or park.

What the bill does

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This bill codifies in the state concealed weapons statute the provisions of federal law that make the statute inapplicable to active duty and retired law enforcement officers under the circumstances specified in federal law (and described above). To implement federal law, the bill also makes certain other state law prohibitions regarding the carrying of firearms inapplicable to an active duty or retired law enforcement officer if he or she is carrying a ~~concealed~~ firearm under those same circumstances. These include the prohibition on going armed with a handgun in a tavern, the prohibition regarding the possession, transportation, or loading of a handgun in vehicles, motorboats, and aircraft, and the prohibition on possessing a firearm that may arise in certain domestic abuse cases. (Depending on the facts, however, a person who is subject to such an injunction may, as a result of that case, also be prohibited under federal law from possessing a firearm, which means that the federal law regarding the carrying of a concealed firearm would not apply.) Similarly, the bill modifies the state's prohibition on possessing a firearm in a school zone to create an exemption for active duty and retired law enforcement officers who are carrying ~~concealed~~ firearms. These changes ~~do not~~ relate only to the carrying of a concealed firearm at or within 1,000 feet of a private school and within 1,000 feet of the grounds of a public school. The bill leaves unaffected the provisions of the gun-free school zone law that relate to possession of a firearm in a public school itself or on the grounds of a public school. ~~prohibits the person, including~~

The bill also imposes certain requirements on state and local law enforcement agencies in Wisconsin to enable retired law enforcement officers to carry concealed firearms in the manner provided under federal law. Under the bill, after a law enforcement officer retires from service with a state or local law enforcement agency, the agency must provide the retired officer, upon his or her request, ~~opportunities to~~

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Active duty and
retired
law enforcement
officers

be imposed
through an
injunction
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But as is
the case
with a
person who
is issued
a license
to carry
a concealed
weapon,

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affect

a qualified

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, in general,

(P) In addition,

that, in combination with a photo ID issued by the retired officer's former employer, permits the retired officer to carry a concealed firearm.

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- 4 - firearm other than a machine gun or a firearm bearing a silencer

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meet the agency's standards for training and qualification that active duty officers must meet to carry firearms. The agency must also provide the retired officer ~~with a~~

(an) ID card upon his or her request if, within the preceding 12 months, the officer met those standards or if the agency does not have any such standards. The ~~photo~~ ID card must indicate all of the following:

1) that the agency has found that the officer has met the issuing agency's standards for training and qualification for its active duty law enforcement officers to carry firearms; 2) the date on which the agency made that finding; and 3) the type of firearm that, as a result of the finding, the officer ~~may be~~

qualified to carry ~~concealed~~. These requirements, however, apply only if: 1) the retired officer satisfies the first three criteria listed above for being a "qualified retired law enforcement officer" under federal law; 2) the Department of Justice

(DOJ) determines that its records do not indicate that the retired officer is prohibited from possessing a firearm under federal law or (with the exception of the prohibition based on a domestic abuse injunction) state law; and 3) the retired officer is a Wisconsin resident. ~~If a retired officer lives in another state, he or she may have the~~

agency issue a less detailed photo ID card which, in combination with a certification issued by the other state, would permit the person to carry a concealed firearm.

A law enforcement agency may charge a retired officer a fee to cover the costs of issuing either type of ID card. DOJ and other law enforcement agencies may also charge a Wisconsin resident a fee to cover the costs of providing training and determining the person's eligibility.

Finally, the bill requires an active duty or retired law enforcement officer ~~to~~ who is carry his or her ID card or ID card and certification while carrying a concealed firearm. A person who violates this prohibition is subject to a forfeiture (civil penalty) of not more than \$200. (In contrast to the requirements of federal law, the exemption that the bill creates in the state's concealed weapons statute for an active duty or retired law enforcement officer is not dependent on the person carrying his or her ID card or ID card and certification.)

The person only needs to have been issued the ID card or ID card and certification for the exemption to apply.) In addition, if a retired law enforcement officer has been issued an identification card that authorizes the carrying of a concealed firearm, the retired officer must notify the sheriff for his or her county of residence that he or she has been issued the card. (This requirement does not apply if the retired officer was issued the card by a local law enforcement agency in Wisconsin and resides in the county in which it was issued.) A person who fails to comply with this requirement is subject to a forfeiture of not more than \$200.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 20.455 (2) (g) of the statutes is created to read:

to also carry the documentation ~~specifically~~ under federal law, ~~which~~ qualifies him or her to do so that,

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1 20.455 (2) (gu) *Training and identification cards relating to carrying of*
 2 *concealed weapons.* All moneys received as fees under s. 175.50 to provide training
 3 and identification cards to retired law enforcement officers seeking to carry
 4 concealed weapons and to confirm their eligibility to do so.

5 SECTION 2. 23.33 (3) (e) of the statutes is renumbered 23.33 (3) (e) (intro.) and
 6 amended to read:

7 23.33 (3) (e) (intro.) With any firearm in his or her possession unless it is
 8 unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed
 9 in a carrying case. This paragraph does not apply to any of the following:

10 SECTION 3. 23.33 (3) (e) 1. of the statutes is created to read:

11 23.33 (3) (e) 1. A person who is employed in this state by a public agency as a
 12 law enforcement officer ~~who is carrying a concealed firearm that has been shipped~~
 13 ~~or transported in interstate or foreign commerce~~ and to whom s. 941.23 (1) (d) 2. to
 14 5. and (2) (b) 1. to 3. applies. e

15 SECTION 4. 23.33 (3) (e) 2. of the statutes is created to read:

16 23.33 (3) (e) 2. A qualified out-of-state law enforcement officer, as defined in
 17 s. 941.23 (1) (d), ~~who is carrying a concealed firearm that has been shipped or~~
 18 ~~transported in interstate or foreign commerce and~~ to whom s. 941.23 (2) (b) 1. to 3.
 19 applies. ✓

20 SECTION 5. 23.33 (3) (e) 3. of the statutes is created to read:

21 23.33 (3) (e) 3. A retired Wisconsin law enforcement officer, as defined in s.
 22 941.23 (1) (f), ~~or a retired federal or out-of-state law enforcement officer, as defined~~
 23 ~~in s. 941.23 (1) (e), who is carrying a concealed firearm that has been shipped or~~
 24 ~~transported in interstate or foreign commerce and~~ to whom s. 941.23 (2) (c) (3. a.) to
 25 (f) applies. 1.

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SECTION 1

1 20.455 (2) (gu) ~~Training and identification cards relating to carrying of~~
2 ~~concealed weapons. All moneys received as fees under s. 175.50 to provide training~~
3 ~~and identification cards to retired law enforcement officers seeking to carry~~
4 ~~concealed weapons and to confirm their eligibility to do so.~~

5 SECTION 2. 23.33 (3) (e) of the statutes is renumbered 23.33 (3) (e) (intro.) and
6 amended to read:

7 23.33 (3) (e) (intro.) With any firearm in his or her possession unless it is
8 ~~unloaded and enclosed in a carrying case, or any how unless it is unstrung or enclosed~~

9 ~~in a carrying case.~~ ^{Subsection} This paragraph does not apply to any of the following:

10 SECTION 3. 23.33 (3) (e) ^(a) of the statutes is created to read:

11 ~~23.33 (3) (e) 1/2~~ A person who is employed in this state by a public agency as a
12 law enforcement officer, ~~who is carrying a concealed firearm that has been shipped~~
13 ~~or transported in interstate or foreign commerce~~ and to whom s. 941.23 (1) (a) 2. to
14 5. and (2) (b) 1. to 3. applies. ^(b) 29.089 (2) ^(B) 29.089 (2)

15 SECTION 4. 23.33 (3) (e) ^(b) of the statutes is created to read:

16 23.33 (3) (e) ^(b) 2. A qualified out-of-state law enforcement officer, as defined in
17 s. 941.23 (1) (a), ~~who is carrying a concealed firearm that has been shipped or~~
18 ~~transported in interstate or foreign commerce~~ and to whom s. 941.23 (2) (b) 1. to 3.
19 applies. ^(c)

20 SECTION 5. 23.33 (3) (e) ^(c) of the statutes is created to read:

21 23.33 (3) (e) ^(c) 3. A retired ~~Wisconsin~~ law enforcement officer, as defined in s.
22 941.23 (1) (f), ~~pre-retired federal or out-of-state law enforcement officer, as defined~~
23 ~~in s. 941.23 (1) (e) who is carrying a concealed firearm that has been shipped or~~
24 ~~transported in interstate or foreign commerce~~ and to whom s. 941.23 (2) (c) 3. a. to
25 f. applies. ^(f) 1.

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SECTION 6. 23.33 (3) (em) of the statutes is created to read:

23.33 (3) (em) With any bow unless it is unstrung or enclosed in a carrying case. ✓

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SECTION 7. 29.091 of the statutes is renumbered 29.091 (1) and amended to read:

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29.091 (1) No person may hunt or trap within any wildlife refuge established under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed within a carrying case. The taking of predatory game birds and animals shall be done as the department directs. All state wildlife refuge boundary lines shall be marked by posts placed at intervals of not over 500 feet and bearing signs with the words "Wisconsin Wildlife Refuge".

13

SECTION 8. 29.091 (2) of the statutes is created to read:

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29.091 (2) The prohibition in sub. (1), as it relates to the possession or control of a loaded or unencased ^{gun or} firearm within a game refuge established under s. 23.09 (2) (b), does not apply to any of the following:

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(a) A person who is employed in this state by a public agency as a law enforcement officer, ~~who is carrying a concealed firearm that has been shipped or transported in interstate or foreign commerce,~~ and to whom s. 941.23 (1) (d) 2. to 5. and (2) (b) 1. to 3. applies. e

(b) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (d), ~~who is carrying a concealed firearm that has been shipped or transported in interstate or foreign commerce and~~ to whom s. 941.23 (2) (b) 1. to 3. applies.

(c) A retired ~~Wisconsin~~ law enforcement officer, as defined in s. 941.23 (1) (f), ~~or a retired federal or out-of-state law enforcement officer, as defined in s. 941.23~~

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1 ~~(1)(e), who is carrying a concealed firearm that has been shipped or transported in~~
2 ~~interstate or foreign commerce and to whom s. 941.23 (2) (c) 3. a. to f. applies.~~ 1. to 7.

3 SECTION 9. 29.621 (4) of the statutes is renumbered 29.621 (4) (intro.) and
4 amended to read:

5 29.621 (4) PROTECTION. (intro.) Except as provided in s. 29.091 (1), no owner
6 of a wildlife refuge, and no other person, may hunt or trap within the boundaries of
7 any wildlife refuge or have in his or her possession or under his or her control in the
8 wildlife refuge a gun, firearm, bow or crossbow, unless the gun or firearm is unloaded,
9 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
10 within a carrying case. Nothing in this section may prohibit, prevent or interfere
11 with the department in the destruction of injurious animals. This subsection, as it
12 relates to the possession or control of a loaded or unencased firearm, does not apply
13 to any of the following:

14 SECTION 10. 29.621 (4) (a) of the statutes is created to read:

15 29.621 (4) (a) A person who is employed in this state by a public agency as a
16 law enforcement officer, ~~who is carrying a concealed firearm that has been shipped~~
17 ~~or transported in interstate or foreign commerce,~~ and to whom s. 941.23 (1) (d) 2. to
18 5. and (2) (b) 1. to 3. applies. e

19 SECTION 11. 29.621 (4) (b) of the statutes is created to read:

20 29.621 (4) (b) A qualified out-of-state law enforcement officer, as defined in s.
21 941.23 (1) (a), ~~who is carrying a concealed firearm that has been shipped or~~
22 ~~transported in interstate or foreign commerce and to whom s. 941.23 (2) (b) 1. to 3.~~
23 applies.

24 SECTION 12. 29.621 (4) (c) of the statutes is created to read:

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8/4 end

1 29.621 (4) (c) A retired ~~Wisconsin~~ law enforcement officer, as defined in s.
2 941.23 (1) (f), ~~or a retired federal or out-of-state law enforcement officer, as defined~~
3 ~~in s. 941.23 (1) (e), who is carrying a concealed firearm that has been shipped or~~
4 ~~transported in interstate or foreign commerce and to whom s. 941.23 (2) (c) 3. a. to~~
5 ~~applies.~~ 7. I.e. 1.

6 SECTION 13. 29.621 (6) of the statutes is created to read:

7 29.621 (6) INJURIOUS ANIMALS. Nothing in this section may prohibit, prevent,
8 or interfere with the department in the destruction of injurious animals.

9 SECTION 14. 165.82 (1) (intro.) of the statutes is amended to read:

10 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
11 impose the following fees, plus any surcharge required under sub. (1m), for criminal
12 history searches for purposes unrelated to criminal justice or to s. 175.35, or 175.50: ✓

13 SECTION 15. 165.82 (2) of the statutes is amended to read:

14 165.82 (2) ~~Except as provided in s. 175.35, the~~ The department of justice shall
15 not impose fees for criminal history searches for purposes related to criminal justice.

16 SECTION 16. 167.31 (4) (ar) of the statutes is created to read:

17 167.31 (4) (ar) Subsections (2) (a) and (b) and (3) (a) and (b) do not apply to the
18 placement, possession, ^{or loading} ~~or transportation~~ of a firearm by any of the following:

19 1. A person who is employed in this state by a public agency as a law
20 enforcement officer, ~~who is carrying a concealed firearm that has been shipped or~~
21 ~~transported in interstate or foreign commerce,~~ and to whom s. 941.23 (1) (d) 2. to 5.
22 and (2) (b) 1. to 3. applies. (e)

23 2. A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)
24 (d), ~~who is carrying a concealed firearm that has been shipped or transported in~~
25 ~~interstate or foreign commerce and to whom s. 941.23 (2) (b) 1. to 3. applies.~~

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1 3. A retired ~~Wisconsin~~ law enforcement officer, as defined in s. 941.23 (1) (f),

2 ~~or a retired federal or out-of-state law enforcement officer, as defined in s. 941.23~~

3 ~~(1) (e), who is carrying a concealed firearm that has been shipped or transported in~~

4 ~~interstate or foreign commerce and to whom s. 941.23 (2) (c) 3. a. to f. applies.~~

5 SECTION 17. 175.50⁴⁹ of the statutes is created to read:

6 175.50⁴⁹ Retired law enforcement officers seeking to carry concealed

7 weapons. (1) DEFINITIONS. In this section:

8 (a) "Department" means the department of justice.

9 (b) "Law enforcement officer" means a person who is employed by a public
10 ~~agency~~ ^{in the United States} for the purpose of engaging in, or supervising others engaging in, the
11 prevention, detection, investigation, or prosecution of, or the incarceration of any
12 person for, any violation of law and who has statutory powers of arrest.

13 (c) "Wisconsin law enforcement agency" has the meaning given in s. 175.46 (1)

14 (1).

15 (2) ^{Issuance of certification CS} ~~LAW ENFORCEMENT AGENCY~~ Subject to sub. (3), ~~after a law~~
16 ~~enforcement officer retires from service with a Wisconsin law enforcement~~

17 the ~~agency~~ shall ~~do all of the following~~ ^{no 9}

18 (a) Provide the retired officer, upon request and at his or her own expense,
19 opportunities to meet the standards established by the agency for training and
20 qualification that its active duty officers are required to meet as a condition of their
21 carrying firearms. This paragraph applies only if the retired officer is a resident of
22 this state.

23 (b) ^a Issue and provide ^{law enforcement} retired officer, upon request and at his or her own
24 expense, an identification card that contains ~~his or her photograph and that meets~~

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from p. 11

the information specified in sub. (4) (b)
and that certifies

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SECTION 17

1 the requirements of sub. (4) if the retired officer is a resident of this state and one of
2 the following applies:

3 1. Within the preceding 12 months, either before or after retiring, the retired
4 officer met the standards described in par. (a).

5 2. The agency does not have any standards of the type described in par. (a).

6 (c) Issue and provide the retired officer, upon request and at his or her own
7 expense, an identification card that contains his or her photograph and that
8 indicates that he or she retired from service from the agency as a law enforcement
9 officer. This paragraph applies only if the retired officer is not a resident of Wisconsin
10 when requesting the issuance of the card.

11 (3) PREREQUISITES FOR ^{department (CS)} AGENCY ACTION. (a) Subsection (2) does not apply with
12 respect to a person requesting an opportunity to meet a law enforcement agency's
13 firearms standards under sub. (2) (a) or requesting an identification card from a law
14 enforcement agency under sub. (2) (b) unless all of the following apply: ✓

15 1. The person retired in good standing from service as a law enforcement officer
16 with the agency for reasons other than mental instability.

17 2. At least one of the following applies:

18 a. Before retiring, the person was regularly employed as a law enforcement
19 officer for an aggregate of 15 years or more.

20 b. The person completed any applicable probationary period of service with the
21 agency and retired from service with the agency due to a service-connected
22 disability, as determined by the agency.

23 3. The person has a nonforfeitable right to benefits under the agency's
24 retirement plan.

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1 4. The department determines that its records do not indicate that the person
2 is prohibited from possessing a firearm under federal law or is a person specified in
3 s. 941.29 (1) (a), (b), (bm), (c), (d), (e), or (g). The department shall promulgate rules

4 specifying how Wisconsin law enforcement agencies may request that the
5 department make such a determination with respect to a person formerly employed
6 as a law enforcement officer by that agency. Rules promulgated under this
7 paragraph may require a person who is the subject of a determination under this
8 subdivision to pay a fee to the department to cover the department's costs.

9 (b) ^{The department} A Wisconsin law enforcement agency may require a person to sign
10 appropriate consents for release of information to enable ^{it} the agency to confirm that
11 he or she meets all of the prerequisites under this subsection for ^{the department} the agency to act
12 under sub. (2).

13 ^{the department} (9) 5. The person is a resident of this state.

14 (c) In addition to other fees authorized under sub. (2) ^{the department} (a) and (b), a Wisconsin
15 law enforcement agency may require a person to pay a fee, not to exceed the agency's
16 costs, for verifying his or her employment history or retirement plan status under
17 par. (a) 1. to 3. or making a determination under par. (a) 4. ✓

18 (4) REQUIREMENTS FOR IDENTIFICATION CARDS. An identification card issued to
19 a retired officer under sub. (2) shall indicate all of the following:

20 (a) That the agency has found that the retired officer has met the standards
21 described in sub. (2) (a), if any.

22 (b) The date on which the agency made the finding under par. (a).

23 (c) The type of firearm that, as a result of the finding under par. (a), the retired
officer ^{any} may be qualified to carry/concealed.

firearm other than a machine gun
or a firearm bearing a silencer

established by this state for training and qualification
for active duty law enforcement officers
to carry firearms

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SECTION 20

BILL

1 par. (a) 2. or whether the request and information were unnecessary under par. (a)

2 3.

3 4. Whether the person refused to provide a sample or to submit to a chemical
4 test.

5 ~~(2m)~~ ⁴ ~~LICENSE/DOCUMENT~~ ^{CS} ~~CONTENT OF LICENSE~~ ^{identification card} (a) Subject to pars. (b), (c), and

6 (d), the department shall design a single ~~license~~ ^{identification cards} document for ~~licenses~~ ^{identification card} issued ~~and~~

7 ~~renewed~~ under this section. The department shall complete the design of the ~~license~~

8 document no later than the first day of the ~~4th~~ ^{2nd} month beginning after the effective

9 date of this paragraph [revisor inserts date].

10 (b) ~~A license document for a license~~ issued under this section shall contain all
11 of the following on one side:

12 1. The full name, date of birth, ^{and} residence address, ~~and county of residence~~ of
13 the ~~licensee~~ ^{retired officer}.

14 2. A physical description of the ~~licensee~~, including sex, height, weight, and hair
15 and eye color.

16 ~~3. The date on which the license was issued~~

17 ~~4. The date on which the license expires~~

18 ~~5. The name of this state.~~

19 ~~6. A unique identification number for each licensee.~~

20 (c) ~~The license document~~ ^{AN} may not contain the ~~licensee's~~ ^{licensee's} social security number.

21 (d) ~~A license document~~ ^{AN} issued under this section shall be, to the maximum
22 extent possible, tamper proof. The contents of the ~~license document~~ shall be included
23 in the document in substantially the same way that the contents of an operator's
24 license document issued under s. 343.17 are included in that document.

end INS 12/25 C

In addition to the information certified
under sub. (2), an

ASSEMBLY BILL 561

SECTION 17

1 (5) FEES. Payments made to the department under sub. (2) or (3) (c) or under
2 rules promulgated under sub. (3) (a) 4. shall be credited to the appropriation under
3 s. 20.455 (2) (gu).

4 (6) SCHEDULING OF TRAINING. A Wisconsin law enforcement agency is not
5 required to offer training under sub. (2) (a) other than through regularly scheduled
6 sessions for its active duty law enforcement officers.

7 SECTION 18. 440.26 (3m) of the statutes is renumbered 440.26 (3m) (intro.) and
8 amended to read:

9 440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS. (intro.) The department
10 shall promulgate rules relating to the carrying of dangerous weapons by a person
11 who holds a license or permit issued under this section or who is employed by a
12 person licensed under this section. The rules shall meet the minimum requirements
13 specified in 15 USC 5902 (b), and shall allow all of the following:

14 SECTION 19. 440.26 (3m) (a) of the statutes is created to read:

15 440.26 (3m) (a) A person who is employed in this state by a public agency as
16 a law enforcement officer to carry a concealed firearm that has been shipped or
17 transported in interstate or foreign commerce if s. 941.23 (1) (a) 2. to 5. and (2) (b)
18 1. to 3. applies. ^e

19 SECTION 20. 440.26 (3m) (b) of the statutes is created to read:

20 440.26 (3m) (b) A retired ^c Wisconsin law enforcement officer, as defined in s.
21 941.23 (1) (f), and a retired federal or out-of-state law enforcement officer, as defined
22 in s. 941.23 (1) (e), to carry a concealed firearm that has been shipped or transported
23 in interstate or foreign commerce if s. 941.23 (2) (c) 3. a. to f. applies. ^{1. to 7.}

24 SECTION 21. 885.235 (1g) (intro.) of the statutes is amended to read:

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From [unclear] sheet
of [unclear]
05 4617/4

INS [unclear]

ENGROSSED SENATE BILL 214

1 snowmobile, while operating an all-terrain vehicle, while going armed with a
2 concealed weapon, or while handling a firearm, evidence of the amount of alcohol in
3 the person's blood at the time in question, as shown by chemical analysis of a sample
4 of the person's blood or urine or evidence of the amount of alcohol in the person's
5 breath, is admissible on the issue of whether he or she was under the influence of an
6 intoxicant or had a prohibited alcohol concentration or a specified alcohol
7 concentration if the sample was taken within 3 hours after the event to be proved.
8 The chemical analysis shall be given effect as follows without requiring any expert
9 testimony as to its effect:

10 SECTION 30. 885.235 (1g) (e) of the statutes is created to read:

11 885.235 (1g) (e) In a case brought under s. 175.50 (16) (cm) 1. a. or b., the fact
12 that the analysis shows that the person had an alcohol concentration of more than
13 0.0 but less than 0.08 is relevant evidence on the issue of whether the person was
14 intoxicated or had an alcohol concentration of 0.08 or more but is not to be given any
15 prima facie effect. In a case brought under s. 175.50 (16) (cm) 1. a., the fact that the
16 analysis shows that the person had an alcohol concentration of 0.08 or more is prima
17 facie evidence that he or she had an ~~alcohol concentration of 0.08 or more.~~

18 SECTION 31. 938.396 (8) of the statutes is amended to read:

19 938.396 (8) Notwithstanding sub. (2), if a juvenile is adjudged delinquent for
20 an act that would be a felony if committed by an adult, the court clerk shall notify
21 the department of justice of that fact. No other information from the juvenile's court
22 records may be disclosed to the department of justice except by order of the court.
23 The department of justice may disclose any information provided under this
24 subsection only as part of a firearms restrictions record search under s. 175.35 (2g)

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ENGROSSED SENATE BILL 214

1 (c) or a background check under s. 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g)
2 (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

3 SECTION 32. 938.396 (8m) of the statutes is created to read:

4 938.396 (8m) (a) Notwithstanding sub. (2), if a juvenile is adjudged delinquent
5 for an act that would be a misdemeanor crime of violence, as defined in s. 175.50 (1)
6 (e), if committed by an adult, the court clerk shall notify the department of justice
7 of that fact. Except as provided in par. (b), no other information from the juvenile's
8 court records may be disclosed to the department of justice except by order of the
9 court.

10 (b) If an applicant for a license to carry a concealed weapon under s. 175.50 was
11 adjudicated delinquent as a juvenile in a case covered by par. (a), the department of
12 justice may request permission to review court records relating to the case for the
13 purpose of determining whether the applicant meets the requirement under s.
14 175.50 (3) (m). Upon receiving such a request, the court shall open for inspection by
15 authorized representatives of the department of justice the records of the court
16 relating to that case.

17 (c) The department of justice may disclose information provided or obtained
18 under this subsection only as part of a background check under s. 175.50 (9g) (b) or
19 to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

20 SECTION 33. 941.20 (1) (a) of the statutes is amended to read:

21 941.20 (1) (a) Endangers another's safety by the negligent operation or
22 handling of a dangerous weapon; or,

23 SECTION 34. 941.20 (1) (b) of the statutes is amended to read:

24 941.20 (1) (b) Operates or goes armed with a firearm while he or she is under
25 the influence of an intoxicant; or,

ASSEMBLY BILL 561

1 885.235 (1g) (intro.) In any action or proceeding in which it is material to prove
2 that a person was under the influence of an intoxicant or had a prohibited alcohol
3 concentration or a specified alcohol concentration while operating or driving a motor
4 vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating
5 a motorboat, except a sailboat operating under sail alone, while operating a
6 snowmobile, while operating an all-terrain vehicle, while going armed with a
7 concealed weapon, or while handling a firearm, evidence of the amount of alcohol in
8 the person's blood at the time in question, as shown by chemical analysis of a sample
9 of the person's blood or urine or evidence of the amount of alcohol in the person's
10 breath, is admissible on the issue of whether he or she was under the influence of an
11 intoxicant or had a prohibited alcohol concentration or a specified alcohol
12 concentration if the sample was taken within 3 hours after the event to be proved.
13 The chemical analysis shall be given effect as follows without requiring any expert
14 testimony as to its effect:

15 SECTION 22. 941.23 of the statutes is renumbered 941.23 (2) (intro.) and
16 amended to read:

17 941.23 (2) (intro.) Any person ~~except a peace officer~~ other than one of the
18 following who goes armed with a concealed and dangerous weapon is guilty of a Class
19 A misdemeanor:

20 SECTION 23. 941.23 (1) of the statutes is created to read:

21 941.23 (1) In this section:

22 (a) "Destructive device" means any of the following but does not include an
23 exempt device:

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1 1. A bomb, a grenade, a rocket having a propellant charge of more than 4
2 ounces, a missile having an explosive or incendiary charge of more than 0.25 ounce,
3 a mine, or any similar device.

4 2. Any type of weapon, other than a shotgun or a shotgun shell that the U.S.
5 department of justice finds is generally recognized as particularly suitable for
6 sporting purposes, that expels, or that may be readily converted to expel, a projectile
7 by the action of an explosive or other propellant and that has a barrel with a bore of
8 more than 0.5 inch in diameter.

9 3. Any combination of parts that is designed for converting, or intended for use
10 in converting, any device into a device described in subd. 1. or 2. and from which a
11 device described in subd. 1. or 2. may be readily assembled.

12 (b) "Exempt device" means any of the following:

13 1. A device that is neither designed nor redesigned for use as a weapon.

14 2. A device that, although originally designed for use as a weapon, is redesigned
15 for use as a signaling, pyrotechnic, line throwing, safety, or similar device.

16 3. Surplus ordnance sold, loaned, or given by the U.S. secretary of the army
17 under 10 USC 4684 (2), 4685, or 4686.

18 4. Any other device that the U.S. department of justice finds is not likely to be
19 used as a weapon, is an antique, or is a rifle that the owner intends to use solely for
20 sporting, recreational, or cultural purposes.

21 (c) "Law enforcement officer" has the meaning given in s. 175.50(1)(b). ⁴⁹ (c)

22 (d) "Qualified out-of-state law enforcement officer" means a law enforcement
23 officer to whom all of the following apply:

24 1. The person is employed by a state or local government agency in another
25 state.

¶ (c) "Former employer" has the meaning given in s. 175.49(1)(b).

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- 1 2. The agency has authorized the person to carry a firearm.
- 2 3. The person is not the subject of any disciplinary action by the agency.
- 3 4. The person meets all standards established by the agency to qualify the
- 4 person on a regular basis to use a firearm.
- 5 5. The person is not prohibited under federal law from possessing a firearm.

6 (6) "Retired federal or out-of-state law enforcement officer" means a person
7 who, before retiring, was employed as a law enforcement officer with a public agency
8 other than a Wisconsin law enforcement agency as defined in s. 175.38 (1) (b).

9 (f) "Retired Wisconsin law enforcement officer" means a person who, before
10 retiring, was employed as a law enforcement officer with a Wisconsin law
11 enforcement agency, as defined in s. 175.38 (1) (c).

12 SECTION 24. 941.23 (2) (a) of the statutes is created to read:

13 941.23 (2) (a) A peace officer.

14 SECTION 25. 941.23 (2) (b) of the statutes is created to read:

15 941.23 (2) (b) A qualified out-of-state law enforcement officer. This paragraph
16 applies only if all of the following apply:

17 1. The weapon is a firearm that has been shipped or transported in interstate
18 or foreign commerce but is not a machine gun, as defined in s. 941.27 (1), or a
19 destructive device.

20 2. A firearm silencer, as defined in s. 941.298 (1), is not attached to the weapon.

21 3. The officer is not under the influence of an intoxicant.

22 SECTION 26. 941.23 (2) (c) of the statutes is created to read:

23 941.23 (2) (c) 1. A retired Wisconsin law enforcement officer.

24 2. A retired federal or out-of-state law enforcement officer.

25 This paragraph applies only if all of the following apply:

does not
have
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ASSEMBLY BILL 561

- 1 (a) The weapon is a firearm that ~~has been shipped or transported in interstate~~
2 ~~or foreign commerce and~~ is of the type described in a ~~valid~~ ^{photographic} identification ~~card~~ document
3 described in ~~sub. (3) (b)~~ ^{subd. 1.} ~~(intro.)~~ ~~or 2. (intro.)~~ ~~that was issued to the~~
4 ~~retired officer within the preceding 12 months~~ or a ~~valid~~ certification described in
5 ~~sub. (3) (b) 2. or 3.~~ ^{Subd. 1.} ~~b. that was issued to the retired officer within the preceding~~
6 ~~12 months.~~
7 (b) Within the preceding 12 months, the retired officer met the standards of the
8 state in which he or she resides for training and qualification for active duty law
9 enforcement officers to carry firearms.
10 (c) The weapon is not a machine gun, as defined in s. 941.27 (1), or a destructive
11 device.
12 (d) A firearm silencer, as defined in s. 941.298 (1), is not attached to the weapon.
13 (e) The retired officer is not under the influence of an intoxicant.
14 (f) The retired officer is not prohibited under federal law from possessing a
15 firearm.

SECTION 27. 941.23 (3) of the statutes is created to read:

941.23 (3) (a) A qualified out-of-state law enforcement officer shall, while
carrying a concealed firearm, also carry an identification card that contains his or
her photograph and that was issued by the law enforcement agency by which he or
she is employed.

(b) (1) A retired Wisconsin law enforcement officer who resides in this state
shall, while carrying a concealed firearm, also carry an identification card issued
within the preceding 12 months under s. 175.50 (2) (b).

2. A retired Wisconsin law enforcement officer who does not reside in this state
shall, while carrying a concealed firearm, also carry either an identification card

carry
one of the
following:

ASSEMBLY BILL 561

1 issued within the preceding 12 months under s. 175.50⁴⁹ (2) (b), if the person was a
2 resident of this state when the card was issued, or both of the following:

3 a. An identification card that was issued by the law enforcement agency that
4 employed the person as a law enforcement officer immediately before his or her
5 retirement and that contains his or her photograph.

6 b. A certification issued by the state in which the person resides that indicates
7 that, within the preceding 12 months, the person was tested or otherwise found by
8 the state to meet the standards established by the state for training and qualification
9 for active duty law enforcement officers to carry a firearm of the same type as the
10 concealed firearm.

11 (c) 1. A retired federal or out-of-state law enforcement officer who resides in
12 this state shall, while carrying a concealed firearm, also carry an identification card
13 that was issued within the preceding 12 months by the law enforcement agency that
14 employed the person as a law enforcement officer immediately before his or her
15 retirement and that is substantially similar to one issued under s. 175.50⁴⁹ (2) (b).

16 2. A retired federal or out-of-state law enforcement officer who does not reside
17 in this state shall, while carrying a concealed firearm, also carry either an
18 identification card that was issued within the preceding 12 months by the law
19 enforcement agency that employed the person as a law enforcement officer
20 immediately before his or her retirement and that is substantially similar to one
21 issued under s. 175.50⁴⁹ (2) (b) or both of the following:

22 a. An identification card that was issued by the law enforcement agency that
23 employed the person as a law enforcement officer immediately before his or her
24 retirement and that contains his or her photograph.

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b. A certification issued by the state in which the person resides that indicates that, within the preceding 12 months, the person was tested or otherwise found by the state to meet the standards established by the state for training and qualification for active duty law enforcement officers to carry a firearm of the same type as the concealed firearm.

SECTION 28. 941.23 (4) of the statutes is created to read:

941.23 (4) If a retired Wisconsin law enforcement officer has been issued an identification card under s. 175.50 (2) (b) within the preceding 12 months, or if a retired federal or out-of-state law enforcement officer who resides in this state has been issued an identification card that is substantially similar to one issued under s. 175.50 (2) (b) within the preceding 12 months, the retired officer shall notify the sheriff for his or her county of residence that he or she has been issued the card. This subsection does not apply if the retired officer was issued the identification card by a local law enforcement agency in this state and resides in the county in which the card was issued.

SECTION 29. 941.237 (3) (cr) of the statutes is created to read:

941.237 (3) (cr) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (d), who is carrying a concealed firearm that has been shipped or transported in interstate or foreign commerce and to whom s. 941.23 (2) (b) 1. to 3. applies.

SECTION 30. 941.237 (3) (L) of the statutes is created to read:

941.237 (3) (L) A retired Wisconsin law enforcement officer, as defined in s. 941.23 (1) (f), or a retired federal or out-of-state law enforcement officer, as defined in s. 941.23 (1) (e), who is carrying a concealed firearm that has been shipped or

INS C

(no 91) A person who applies to renew his or her license must pay the same fees except the application fee; instead, he or she must pay a \$27 renewal fee.

✓

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0569/3ins
MGD&CMH:wj:jf

1 Insert A2e (at end of Ins A1)

In addition, the bill changes the law relating to background checks for handgun purchases to require the Department of Justice (DOJ) to determine whether a person seeking to purchase a handgun has been subject to an order or finding regarding his or her mental health that makes the purchase unlawful. ✓

2 Insert A4e

no ¶ Beyond the concealed weapons statute, current Wisconsin law contains a number of other prohibitions relating to the use and possession of firearms. For example, ✓

3 Insert A6e

no ¶ Accordingly, the bill amends other prohibitions relating to the use and possession of firearms that are discussed above (see CURRENT LAW REGARDING CONCEALED WEAPONS AND OTHER WEAPONS LAWS, Wisconsin law) to specify that, with the exception of the gun-free school zone law, they do not apply to licensees. The gun-free school zone law is amended in a different way. ✓

4 Insert A7e

¶ As noted in the preceding paragraph, a person licensed under the bill is permitted to carry a concealed weapon anywhere other than certain specified places. ✓

5 Ins Be

no ¶ ; or 3) the sale of alcohol at the tavern or restaurant accounts for not more than 50 percent of the proprietor's annual gross receipts from that tavern or restaurant ✓

6

7 Ins BGe

no ¶ These changes, however, relate only to the carrying of a concealed firearm at or within 1,000 feet of a private school and within 1,000 feet of the grounds of a public school. The bill does not affect the provisions of the gun-free school zone law that prohibit a person from possessing a firearm in a public school itself or on the grounds of a public school. ✓

8

9 Ins BRe

no ¶ , with the exception of a member of the U.S. armed forces, a reserve unit of the armed forces, or the national guard who is deployed overseas while on active duty. In that case, his or her license expires 90 days after the end of his or her overseas deployment. ✓

¶ 3.

that a license held by

until at least

may not

~~12/25~~ LPS - Insert C
is handwritten

the possession of
weapons

CS
B

1 Insert Qe (goes into insert D at p. 4)

no 9 (see **CURRENT LAW REGARDING CONCEALED WEAPONS AND OTHER WEAPONS LAWS,**
Federal law);

2 Insert Ee

Identification cards issued to Wisconsin law enforcement officers

Under the bill, if a Wisconsin law enforcement agency issues photo ID cards to its officers, it may not require an officer to relinquish his or her ID card upon retirement unless the person is not a qualified retired law enforcement officer (for example, if the retired officer is not eligible for benefits under the agency's retirement plan). ✓

3 ins 12/25Ae

^

4 **SECTION 1.** 175.48 of the statutes is created to read:

5 **175.48 Law enforcement officer identification cards.** If a Wisconsin law
6 enforcement agency, as defined in s. 175.46 (1) (f), issues photographic identification
7 cards to its officers, it may not require an officer to relinquish his or her card upon
8 retirement unless one of the following applies:

9 (1) The officer may not lawfully possess a firearm under federal law.

10 (2) The officer did not retire in good standing from service as a law enforcement
11 officer with the agency or retired as a result of mental instability.

12 (3) The officer was regularly employed as a law enforcement officer for an
13 aggregate of less than 15 years. This subsection does not apply if the officer, after
14 completing any applicable probationary period of service with the agency, retired
15 from service with the agency due to a service-connected disability, as determined by
16 the agency.

17 (4) The officer does not have a nonforfeitable right to benefits under the
18 agency's retirement plan. ✓

19 Insert Me (goes into ins 12/25B at 9/8)

1 (b) "Former employer" means a law enforcement agency that employed a
2 retired law enforcement officer immediately before his or her retirement. ✓

3 Ins 26-12

4 8. Instruction by an instructor certified by the department under par. (b).

5 (b) The department shall certify instructors and maintain a list of instructors
6 that it certifies. To be certified by the department as an instructor, a person must
7 meet all of the following criteria:

- 8 1. Be qualified under sub. (3) to carry a concealed weapon.
9 2. Be able to demonstrate the ability and knowledge required for instructing
10 students under par. (a) 1. to 7. ✓

11 Insert 36-19

12 2. If the court overturns the department's decision under sub. (3m) (b), the court
13 shall order the department to pay the aggrieved person all court costs and reasonable
14 attorney fees. ✓

15
16 Insert 37-20

17 (e) The license of a member of the U.S. armed forces, a reserve unit of the armed
18 forces, or the national guard who is deployed overseas while on active duty expires
19 90 days after the end of the licensee's overseas deployment unless the license is
20 suspended or revoked under sub. (9g) (e) 1. or (14). ✓

21 until at least

22 Ins 39-3

23 c. The sale of intoxicating liquors or fermented malt beverages or both on those
24 premises accounts for not more than 50 percent of the proprietor's annual gross
25 receipts from those premises. ✓

may not

1 ins 41/4

2 (bm) Any person who violates sub. (2k) (e) or (16) (cm) may be fined not more
3 than \$10,000 or imprisoned for not more than 9 months or both. ✓

4 Insert Ne (goes into ins 43/16 at 12/18)

5 SECTION 2. 440.26 (3m) (b) of the statutes is created to read:

6 440.26 (3m) (b) A qualified out-of-state law enforcement officer, as defined in
7 s. 941.23 (1) (d), to carry a concealed firearm if s. 941.23 (2) (b) 1. to 3. applies. ✓

8 ins 43/18e

9 A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined
10 in s. 175.50 (1) (g), to go armed with a concealed weapon as permitted under s. 175.50.

11 ins 47/3Be

12 1. The retired officer has been issued a photographic identification document
13 described in s. 941.23 (3) (b) 1. or both of the following: (intro.) ✓

14 a. A photographic identification document described in s. 941.23 (3) (b) 2. a. ✓

15 b. A certification described in s. 941.23 (3) (b) 2. b. ✓

16 ins 47/20Be

17 1. A photographic identification document issued by the retired officer's former
18 employer that indicates that, within the 12 months preceding the date on which the
19 retired officer is carrying the concealed firearm, he or she was tested or otherwise
20 found by his or her former employer to meet the standards that it has established for
21 training and qualification for active duty law enforcement officers to carry a firearm
22 of the same type as the firearm that the retired officer is carrying.

23 2. Both of the following: no ¶

24 a. A photographic identification document issued by retired officer's former
25 employer and one of the following:

if the retired officer resides in this state

ASSEMBLY BILL 561

end
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1 transported in interstate or foreign commerce and to whom s. 941.23 (2) (c) 3. a. to
2 applies. 1. to 7.

3 SECTION 31. 941.29 (11) of the statutes is created to read:

4 941.29 (11) This section does not apply to any of the following:

5 (a) A person who is employed in this state by a public agency as a law
6 enforcement officer, who is carrying a concealed firearm that has been shipped or
7 transported in interstate or foreign commerce, and to whom s. 941.23 (1) (d) 2. to 5.
8 and (2) (b) 1. to 3. applies. e

9 (e) (b) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)
10 (d), who is carrying a concealed firearm that has been shipped or transported in
11 interstate or foreign commerce and to whom s. 941.23 (2) (b) 1. to 3. applies.

12 (c) A retired Wisconsin law enforcement officer, as defined in s. 941.23 (1) (f),
13 or a retired federal or out-of-state law enforcement officer, as defined in s. 941.23
14 (1) (e), who is carrying a concealed firearm that has been shipped or transported in
15 interstate or foreign commerce and to whom s. 941.23 (2) (c) 3. a. to f. applies.

16 SECTION 32. 948.605 (2) (c) of the statutes is created to read 1. to 7.

17 948.605 (2) (c) Paragraph (a) applies to the possession of a firearm by one of
18 the following persons only if the property on which the person possesses the firearm
19 is a state or local government property, installation, building, base, or park:

20 1. A person who is employed in this state by a public agency as a law
21 enforcement officer, who is carrying a concealed firearm that has been shipped or
22 transported in interstate or foreign commerce, and to whom s. 941.23 (1) (d) 2. to 5.
23 and (2) (b) 1. to 3. applies. e

INS
48/11

INS
52/2A

⑦ a. if the retired officer resides in this state.

if the retired officer resides in another state.

1 b. A certification issued by the state in which the retired officer resides,
2 ~~an identification card issued under s. 175.49 (2)~~, that indicates that, within
3 the 12 months preceding the date on which the retired officer is carrying the
4 concealed firearm, he or she was tested or otherwise found by that state to meet the
5 state's standards for training and qualification for active duty law enforcement
6 officers to carry a firearm of the same type as the firearm that the retired officer is
7 carrying.

8 (c) A person who violates this subsection may be required to forfeit not more
9 than \$25. ✓

10 ins 48/5e ✓

11 no 11 A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined
12 in s. 175.50 (1) (g),

13 Ins 48/9e

14 no 11 A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined
15 in s. 175.50 (1) (g).

16 Ins 48/22e

17 no 11 A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined
18 in s. 175.50 (1) (g).

19 Ins 49/6e

20 no 11 A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined
21 in s. 175.50 (1) (g). ✓

22 Ins 52/2Be

23 4. A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as
24 defined in s. 175.50 (1) (g), if the firearm is

25 Ins 52/9e

- 1 *no ff* a licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined
- 2 in s. 175.50 (1) (g) *o*

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SECTION 32

1 2. A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)
2 ~~(d), who is carrying a concealed firearm that has been shipped or transported in~~
3 interstate or foreign commerce and to whom s. 941.23 (2) (b) 1. to 3. applies.

4 3. A retired Wisconsin law enforcement officer, as defined in s. 941.23 (1) (f),
5 ~~or a retired federal or out-of-state law enforcement officer, as defined in s. 941.23~~
6 ~~(1) (e), who is carrying a concealed firearm that has been shipped or transported in~~
7 ~~interstate or foreign commerce and to whom s. 941.23 (2) (c) 3. a. to f. applies.~~

~~(END)~~

1. to 7.

ASSEMBLY BILL 561

SECTION #. (B) 941.235 (2) (c)

1 ② A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)
2 (d), who is carrying a concealed firearm that has been shipped or transported in
3 interstate or foreign commerce and to whom s. 941.23 (2) (b) 1. to 3. applies.

SECTION #. (B) 941.235 (2) (d)

4 ③ A retired Wisconsin law enforcement officer, as defined in s. 941.23 (1) (f),
5 or a retired federal or out-of-state law enforcement officer, as defined in s. 941.23
6 (1) (e), who is carrying a concealed firearm that has been shipped or transported in
7 interstate or foreign commerce and to whom s. 941.23 (2) (c) 3. a. to f. applies.

(END)

1. to 7.

(B)
941.235 (2) (d)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0569/3dn

CMH:1:....

gjs

g DOJ
With the change from "54th month" to "36th month" in s. 175.50 (5), the bill requires DOC to have the renewal forms ready long before they will be needed since licenses are valid for five years. No harm done, but it seems arbitrary to me so I am asking if ~~that~~ is what you intend to require the forms completed by then

Please review my changes to s. 175.50 (3) (h) and ^{3m} ~~(4m)~~ (b). I made sub. ^{3m} ~~(4m)~~ (b) effective on the day after publication of the act; otherwise implementation of the act could be delayed while DOC certifies instructors OK?

Please review the new s. 175.50 (15) (e); it is modelled after Arizona HB2325. ✓

g
DOJ

Cmt

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0569/3dn
CMH:cjs:pg

September 1, 2005

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